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ex rel the Nevada Board of Prison Commissioners;  
State of Nevada, ex rel the Nevada Department of  
Corrections; Brian Sandoval; Adam P. Laxalt;  
Barbara Cegavske; James Cox; Dwight Neven;  
Anthony Scillia; Isidro Baca; Cole Morrow;  
Jerry Howell; Jennifer Nash; and Nicholas  
Galbiso*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DARIO OLIVAS,

Plaintiff,

v.

STATE OF NEVADA ex rel. DEPT. OF  
CORRECTIONS; NICHOLAS GALBISO,  
individually; *et al.*,

Defendants.

Case No. 2:14-cv-01801-JCM-VCF

**STIPULATION AND ORDER TO  
EXTEND RESPONSE DEADLINE**

**(Second Request Or First Request  
Following Order On Defendants'  
Motion To Dismiss)**

Plaintiff Dario Olivas, by and through his attorney, Travis N. Barrick, Esq., and  
Defendants State of Nevada, ex rel the Nevada Board of Prison Commissioners; State of  
Nevada, ex rel the Nevada Department of Corrections; Brian Sandoval; Adam P. Laxalt;  
Barbara Cegavske; James Cox; Dwight Neven; Anthony Scillia; Isidro Baca; Cole Morrow;  
Jerry Howell; Jennifer Nash; and Nicholas Galbiso, by and through counsel, Adam Paul  
Laxalt, Nevada Attorney General, and Jared M. Frost, Senior Deputy Attorney General, of

1 the State of Nevada, Office of the Attorney General, hereby stipulate and agree to an eleven  
2 (11) day extension of the deadline to respond to Plaintiff's Fourth Amended Complaint.

3 On March 5, 2018, Plaintiff filed his Fourth Amended Complaint. ECF No. 48. On  
4 May 4, 2018, Defendants filed a Motion to Dismiss the Fourth Amended Complaint. ECF  
5 No. 56. On November 27, 2018, the Court granted in part and denied in part Defendants'  
6 Motion to Dismiss. ECF No. 59. Absent an extension, Defendants are required to file an  
7 Answer or other response to the Fourth Amended Complaint by December 11, 2018. *See*  
8 Fed. R. Civ. P. 12(a)(4) (if the Court denies a motion filed under Rule 12, the responsive  
9 pleading must be served within 14 days after notice of the Court's action).

10 The parties here state that there is good cause for an extension. Defendants recently  
11 presented a settlement proposal for Plaintiff's consideration and are evaluating a possible  
12 interlocutory appeal of the Court's order denying Defendants' qualified immunity  
13 arguments. *See Knox v. Southwest Airlines*, 124 F.3d 1103, 1107 (9th Cir. 1997) ("[W]e have  
14 jurisdiction over an interlocutory appeal from the denial of qualified immunity where the  
15 appeal focuses on whether the defendants violated a clearly established law given the  
16 undisputed facts . . ."). In the event of either settlement or an appeal, filing a response  
17 and triggering the discovery period would not be necessary and would not serve the

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1 interests of judicial economy. Therefore, the parties submit that there is good cause to  
2 extend Defendants' response deadline for an additional eleven (11) days.

3 DATED this 11th day of December, 2018.

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5 GALLIAN WELKER & BECKSTROM, LC

ADAM PAUL LAXALT  
Attorney General

6  
7 By: /s/ Travis N. Barrick

8 Travis N. Barrick  
9 Nevada Bar No. 9257  
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10 *Attorneys for Plaintiff*

By: /s/ Jared M. Frost

Jared M. Frost  
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Las Vegas, NV 89101  
11 *Attorneys for Defendants*

12 **SO ORDERED.** Defendants shall have until December 21, 2018, to file a response  
13 to Plaintiff's Fourth Amended Complaint.

14 Dated December 13  
15 , 2018.

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18 UNITED STATES MAGISTRATE JUDGE  
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